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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 10/665,625

Filing Date: September 19, 2003

Appellant(s): KUMMER ET AL.

DEC 13 2007

GROUP 3600

Brian A. Lemm
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 1, 2007 appealing from the Office action mailed May 1, 2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Patents:

5019991

Sansone, et al.

5-1991

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5535127	Uno, et al.	7-1996
5717596	Bernard, et al.	2-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone, et al., U.S. Pat. No. 5,019,991 (Reference A of the PTO-892 part of Paper No. 20061026) in view of Uno, et al., U.S. Pat. No. 5,535,127 (Reference B of the PTO-892 part of Paper No. 20061026), further in view of Bernard, et al., U.S. Pat. No. 5,717,596 (Reference A of the PTO-892 part of paper no. 20070423).

As per claim 1, Sansone, et al. teaches accessing parameters (column 4, line 10); accessing previously stored data corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected (column 4, line 11); generating a postage correction table from the parameters and the previously stored data (column 4, lines 10-12; Examiner is interpreting comparing the parameters with the previously stored data as generating a table from the parameters and the previously stored data); determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table (column 4, lines 13-14); and applying said determined postage

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correction amount to each of said one or more pieces of residual mail (column 4, lines 14-15, 18-19).

Sansone, et al. does not explicitly teach that the first parameter is a rate table corresponding to a first class of service used to originally process said one or more pieces of residual mail and does not explicitly teach that the previously stored data is a second rate table. Uno, et al. teaches a first rate table corresponding to a first class of service used to originally process said one or more pieces of residual mail and a second rate table (column 14, line 51; column 17, lines 57-61)). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate a first rate table corresponding to a first class of service used to originally process said one or more pieces of residual mail and a second rate table into the method taught by Sansone, et al. because mail is broadly divided into two types that have multiple subdivisions (as taught by Uno, et al., column 14, lines 52-64).

Sansone, et al. in view of Uno, et al. does not teach deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail. Bernard, et al. teaches deleting the stored original transaction information for each of said one or more pieces of residual mail (column 6, line 30); generating new transaction information for each of said one or more pieces of residual mail based on the second class of service (column 6, lines 34-36); and storing the new transaction information for each of said one or more pieces of residual mail (column 6, lines 38-39). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail into the method taught by Sansone,

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et al. in view of Uno, et al. to modify incorrect transaction data (as taught by Bernard, et al.; Abstract).

As per claim 2, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 1 as described above. Sansone, et al. further teaches determining a weight of each of said one or more pieces of residual mail (column 3, lines 29-30), wherein said postage correction amount is based on said weight of each of said one or more pieces of residual mail (column 4, line 20).

As per claim 3, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 2 as described above. Uno, et al. further teaches determining one or more dimensions of each of said one or more pieces of residual mail (column 15, lines 57-62), wherein said postage correction amount is further based on said one or more dimensions of each of said one or more pieces of residual mail (column 17, lines 57-58; column 18, lines 16-17). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate determining one or more dimensions of each of said one or more pieces of residual mail, wherein said postage correction amount is further based on said one or more dimensions of each of said one or more pieces of residual mail into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different sizes have different rates (as taught by Uno, et al., column 15, Table).

As per claim 4, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 2 as described above. The postage correction table as taught by Sansone, et al. does not explicitly teach a plurality of weight breaks and a plurality of corresponding postage correction rates. Uno, et al. further teaches a plurality of weight breaks and a plurality of corresponding postage correction rates (column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate a plurality of weight breaks and a plurality of corresponding

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postage correction rates into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights have different rates (as taught by Uno, et al., column 15, Table).

As per claim 5, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 2 as described above. Sansone, et al. further teaches calculating a difference being said postage correction rate for said weight break (column 6, lines 30-37). Sansone, et al. does not explicitly teach for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table. Uno, et al. teaches for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table (Fig. 36; column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights have different rates (as taught by Uno, et al., column 15, Table).

As per claim 6, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 3 as described above. The postage correction table as taught by Sansone, et al. does not explicitly teach a plurality of weight breaks and a plurality of corresponding postage correction rates and dimension based charges. Uno, et al. further teaches a plurality of weight breaks and a plurality of corresponding postage correction rates and dimension based charges (column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate a plurality of weight breaks and a plurality of corresponding postage correction rates and dimension based charges into the method taught by Sansone, et

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al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

As per claim 7, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 6 as described above. Sansone, et al. further teaches calculating a difference being said postage correction rate for said weight break (column 6, lines 30-37). Sansone, et al. does not explicitly teach for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said second difference being said dimension based charge for said weight break. Uno, et al. teaches for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said second difference being said dimension based charge for said weight break (column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said second difference being said dimension based charge for said weight break into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

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As per claim 8, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 5 as described above. Sansone, et al. further teaches the calculating step setting said postage correction rate equal to zero if said difference is negative (column 5, lines 14-18). Examiner is interpreting sending a confirmation if the postage is correct as setting the correction rate equal to zero.

As per claim 9, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 7 as described above. Sansone, et al. further teaches setting said postage correction rate equal to zero if said first difference is negative (column 5, lines 14-18). Examiner is interpreting sending a confirmation if the postage is correct as setting the correction rate equal to zero. Sansone, et al. does not explicitly teach setting said dimension based charge equal to zero if said second difference is negative. Uno, et al. teaches setting said dimension based charge equal to zero if said second difference is negative (column 17, line 57 –column 18, line 21). It would have been *prima facie* obvious to incorporate setting said dimension based charge equal to zero if said second difference is negative into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

As per claim 10, Sansone, et al. teaches a mail processing system, comprising: a metering/printing module for applying postage values to one or more pieces of mail (column 3, lines 50-51); a central processing unit controlling operation of said metering/printing module (column 3, line 59); and a memory storing information including original transaction information for said one or more pieces of mail that are originally processed by the mail processing system using a first class of service (column 4, lines 10-11), and software executable by said central processing unit (column 3, line 60), said software including instructions for accessing parameters (column 4, line 10); accessing previously stored data corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to

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be corrected (column 4, line 11); generating a postage correction table from the parameters and the previously stored data (column 4, lines 10-12; Examiner is interpreting comparing the parameters with the previously stored data as generating a table from the parameters and the previously stored data); determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table (column 4, lines 13-14); causing said metering/printing module to apply said determined postage correction amount to one of each of said one or more pieces of residual mail (column 3, lines 59-64; column 4, lines 14-15, 18-19).

Sansone, et al. does not explicitly teach that the first parameter is a rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail and does not explicitly teach that the previously stored data is a second rate table. Uno, et al. teaches a first rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail and a second rate table (column 14, line 51; column 17, lines 57-61)). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate a first rate table corresponding to a first class of service used to originally process said one or more pieces of residual mail and a second rate table into the system taught by Sansone, et al. because mail is broadly divided into two types that have multiple subdivisions (as taught by Uno, et al., column 14, lines 52-64).

Sansone, et al. in view of Uno, et al. does not teach deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail. Bernard, et al. teaches deleting the stored original transaction information for each of said one or more pieces of residual mail (column 6, line 30); generating new transaction information for each of said one or more pieces of residual mail based on the second class of service (column 6, lines 34-36); and storing the new transaction information for each of said one or more pieces of residual mail (column 6, lines 38-39). It would have been *prima facie* obvious to one

having ordinary skill in the art at the time of invention to incorporate deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail into the method taught by Sansone, et al. in view of Uno, et al. to modify incorrect transaction data (as taught by Bernard, et al.; Abstract).

As per claim 11, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 10 as described above. Sansone, et al. further teaches a weighing module for weighing one or more mail pieces, said weighing module being controlled by said central processing unit, said software further including instructions for determining a weight for said one or more pieces of residual mail using said weighing module, (column 3, lines 59-60), wherein said postage correction amount is based on said weight of each of said one or more pieces of residual mail (column 4, line 20).

As per claim 12, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 11 as described above. The postage correction table as taught by Sansone, et al. does not explicitly teach a plurality of weight breaks and a plurality of corresponding postage correction rates. Uno, et al. further teaches a plurality of weight breaks and a plurality of corresponding postage correction rates (column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate a plurality of weight breaks and a plurality of corresponding postage correction rates into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights have different rates (as taught by Uno, et al., column 15, Table).

As per claim 13, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 12 as described above. Sansone, et al. further teaches instructions for calculating a difference being said postage correction rate for said weight break

(column 6, lines 30-37). Sansone, et al. does not explicitly teach for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table. Uno, et al. teaches for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table (Fig. 36; column 15, Table). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights have different rates (as taught by Uno, et al., column 15, Table).

As per claim 14, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 11 as described above. Uno, et al. further teaches a dimensioning module for determining one or more dimensions of a mail piece said dimensioning module being controlled by said central processing unit (column 4, line 56 - column 5, line 8, 21-22), said software further including instructions for determining one or more dimensions for said one or more pieces of residual mail using said dimensioning module (column 5, lines 22-24; column 15, lines 57-64), wherein said postage correction amount is further based on said one or more dimensions of each of said one or more pieces of residual mail (column 17, lines 57-58; column 18, lines 16-17). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate determining one or more dimensions of each of said one or more pieces of residual mail, wherein said postage correction amount is further based on said one or more dimensions of each of said one or more pieces of residual mail into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different sizes have different rates (as taught by Uno, et al., column 15, Table).

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As per claim 15, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 14 as described above. Uno, et al. further teaches the dimensioning module comprising an array of sensors (column 4, lines 30-33). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate the dimensioning module comprising an array of sensors into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because sensors are used to measure thickness and outer dimensions (as taught by Uno, et al., column 4, lines 30-33).

As per claim 16, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 15 as described above. Uno, et al. further teaches the sensors being optical sensors (column 4, line 33). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate the sensors being optical sensors into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. in order to sense the postal indicia impression (as taught by Uno, et al., column 4, line 34).

As per claim 17, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 14 as described above. The postage correction table as taught by Sansone, et al. does not explicitly teach a plurality of weight breaks and a plurality of corresponding postage correction rates and dimension based charges. Uno, et al. further teaches a plurality of weight breaks and a plurality of corresponding postage correction rates and dimension based charges (column 15, Table). It would have been *prima facie* obvious to one having ordinary skill in the art at the time of invention to incorporate a plurality of weight breaks and a plurality of corresponding postage correction rates and dimension based charges into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

As per claim 18, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 17 as described above. Sansone, et al. further teaches instructions for calculating a difference being said postage correction rate for said weight break (column 6, lines 30-37). Sansone, et al. does not explicitly teach for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said second difference being said dimension based charge for said weight break. Uno, et al. teaches for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said second difference being said dimension based charge for said weight break (column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate for each of said weight breaks, the difference being between a first corresponding rate from said second rate table and a second corresponding rate from said first rate table and a second difference between a first corresponding dimension based charge from said second rate table and a second corresponding dimension based charge from said first rate table, said second difference being said dimension based charge for said weight break into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

As per claim 19, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 13 as described above. Sansone, et al. further teaches the calculating step setting said postage correction rate equal to zero if said difference is

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negative (column 5, lines 14-18). Examiner is interpreting sending a confirmation if the postage is correct as setting the correction rate equal to zero.

As per claim 20, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 13 as described above. Sansone, et al. further teaches setting said postage correction rate equal to zero if said first difference is negative (column 5, lines 14-18). Examiner is interpreting sending a confirmation if the postage is correct as setting the correction rate equal to zero. Sansone, et al. does not explicitly teach setting said dimension based charge equal to zero if said second difference is negative. Uno, et al. teaches setting said dimension based charge equal to zero if said second difference is negative (column 17, line 57 –column 18, line 21). It would have been *prima facie* obvious to incorporate setting said dimension based charge equal to zero if said second difference is negative into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

As per claim 21, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 1 as described above. Sansone, et al. further teaches receiving mail parameters teaches (column 4, line 10), but does not explicitly teach that these parameters include a first class of service used to originally process said one or more pieces of residual mail; and accessing a first rate table corresponding to the received first class of service. Uno, et al. teaches a first class of service used to originally process said one or more pieces of residual mail; and accessing a first rate table corresponding to the received first class of service (Fig. 36; column 15, lines 1-2, Table). It would have been *prima facie* obvious to one having ordinary skill in the art to incorporate a first class of service used to originally process said one or more pieces of residual mail; and accessing a first rate table corresponding to the received first class of service into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et

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al. because different classes of mail have different rates (as taught by Uno, et al., Fig. 36).

As per claim 22, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the method of claim 21 as described above. Sansone, et al. further teaches accessing previously stored data to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected (column 4, lines 10-14), but does not explicitly teach that the data includes a second class of service; and a second rate table corresponding to the received second class of service. Uno, et al. teaches a second class of service and a second rate table corresponding to the received second class of service (Fig. 36). It would have been prima facie obvious to one having ordinary skill in the art the time of invention to incorporate a second class of service and a second rate table corresponding to the received second class of service into the method taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because different classes of mail have different rates (as taught by Uno, et al., Fig. 36).

As per claim 23, Sansone, et al. in view of Uno, et al. and Bernard, et al. teaches the system of claim 10 as described above. Uno, et al. further teaches said first rate table and said second rate table are stored in said memory (column 5, lines 37-40; column 15, Table). It would have been prima facie obvious to one having ordinary skill in the art the time of invention to incorporate said first rate table and said second rate table are stored in said memory into the system taught by Sansone, et al. in view of Uno, et al. and Bernard, et al. because mail of different weights and dimensions have different rates (as taught by Uno, et al., column 15, Table).

(10) Response to Argument

Appellant's argument is based on two premises: (1) that the references do not teach the limitation "generating a postage correction table from said first rate table and said second rate table;" and (2) that the references do not teach the limitation "deleting

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the stored original transaction information for each of said one or more pieces of residual mail' generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail." These conclusions are based upon an embodiment of the invention that is narrower in scope than what is actually claimed, and examiner maintains that the references considered together as a whole are sufficient to render the claimed invention unpatentable.

Beginning with the first disputed claim limitation, Sansone teaches comparing parameters and stored data to come to a conclusion about postage correction (column 4, lines 10-12). Given plain language of the claims and their broadest reasonable interpretation in light of the specification, a "table" is nothing more than an arrangement of data. It is common knowledge in the art that comparisons such as these routinely involve the drawing up of a table, indeed, the data must be arranged to draw any meaningful conclusion from them; the conclusion in this case being the postage correction amount. It is in this fashion that the table is generated, or comes into being, for without it the system in Sansone would not be able to draw up the comparison from which the correct postage is determined. Accordingly, the examiner has consistently interpreted this comparison as generating a postage correction table as previously set forth in the Office actions.

One having ordinary skill in the art would recognize that in computing the correction amount the table is at least created in a memory in order to process the data, although it may never actually be displayed or recorded, which by any interpretation are not required by the claims. Sansone's comparison entails making a table, in the sense that no meaningful conclusion can be drawn from the data unless it is arranged to show their relationships. The only limiting feature of the postage correction table is that it is created from rate tables and that it is used to determine the correction amount; limitations that are met by the applied references.

"The system in Sansone operates on a piece by piece basis, which is not the same as generating a rate correction table." Appeal Brief, page 6 (emphasis added). This statement by appellant is confusing because it is unclear why appellant would attempt to distinguish Sansone in this manner, considering that the phrase "one or more pieces of residual mail" is recited throughout the claims. However, it plainly evinces that appellant's argument is based upon the preferred embodiment found in the Specification (in which multiple pieces or batches of residual mail are processed with the same correction table), and not on the broadly recited claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As applied, Sansone is sufficient to teach generating a postage correction table for pieces of residual mail.

The second disputed claim limitation listed above is taught by Bernard as applied to Sansone and Uno. Bernard teaches a metering system that identifies a misapplied postage transaction and corrects the transactional information after franking has already occurred (column 6, lines 1-48). As a preliminary matter, the claims do not limit the invention to a particular type of "transaction information" and therefore encompass the transaction information contemplated by Bernard.

Appellant argues that the "transfer" described by Bernard is distinguishable from the claimed "deleting . . . generating . . . and storing . . ." However, in a computing context, a differentiation between the two on this basis is specious. The "transfer" as detailed in column 6 of Bernard entails all three of the above steps. First, the misapplied transaction is deleted from where it was originally applied as it is moved to the second account (line 30). Next, the amount by which second account will be changed is calculated, thus generating new transaction information (line 35). Finally, the amount is applied to the account and the transaction is closed, thereby storing the newly generated information in the second account (lines 39-41). Accordingly, the description of Bernard's "transfer" is sufficient to teach the broadly recited "deleting . . .

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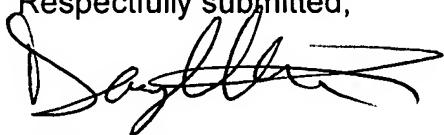
generating . . . and storing . . ." to one having ordinary skill in the art at the time of invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Daniel Vetter
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Conferees:

Kambiz Abdi SPE 3612 for V. Millin

Vincent Millin
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JOHN W. HAYES
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